

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

MICHAEL E. MONTGOMERY :  
Plaintiff :  
v. : Civil Action No. 7:05cv00131  
SIA JOHNSON, et al :  
Defendants :

**DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

Come now the defendants, by counsel, and, pursuant to Rule 56 of the Federal Rules of Civil Procedure, respectfully request that the Court enter summary judgment in their favor as there is no genuine issue as to any material fact and the defendants are entitled to judgment as a matter of law.

Respectfully submitted,

TIMOTHY J. HEAPHY  
United States Attorney

/s/ Sara Bugbee Winn  
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**CERTIFICATE OF SERVICE**

I hereby certify that I have this 30th day of October, 2009, caused the foregoing **DEFENDANTS' MOTION FOR SUMMARY JUDGMENT** to be electronically filed with the Clerk of the Court using the CM/ECF system, which will provide a copy thereof to the following:

Lonnie D. Nunley, III  
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